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MR. JUSTICE MCKENNA. — With the appointment and ratification by the Senate of Joseph McKenna as Justice of the Supreme Court of the United States to fill the place of Justice Field, resigned, the name of another Californian is added to the rolls of our highest tribunal. Justice McKenna's career and judicial character, now regarded with so much interest, are not entirely familiar to the legal profession in the East. He was educated and obtained his early legal training in California, where he first held public office as county district attorney. He then served in the legislature of that State; and was elected member of Congress for four successive terms till 1892, when he resigned to accept the appointment of United States Circuit Judge for California. This position he held till he became Attorney-General, only a few months previous to his present appointment. Although some of his judicial decisions have been very unfavorably criticised, Justice McKenna has always conducted himself impartially and for the best interests of his office. The unusual opposition to his appointment to the Supreme Bench may have been due, in part, to political and religious prejudice; but opposition and prejudice are now silenced, and the nation wishes Justice McKenna a long, successful, and useful career. He steps to a post of importance and honor, — one of the highest the nation can confer.

THE SELDEN SOCIETY. — The programme of the Selden Society, as given out in a communication from its Secretary and Treasurer for the United States, Mr. Richard W. Hale, in "The Nation" of November 25th of last year, is of much interest to historical students of law, and in a lesser degree to lawyers generally. The volume for 1898 consists of extracts from the Records of the Court of Requests, and is edited by Mr. J. S. Leadam. This is the first time the history of this court, from its be-

ginning under Henry VII. to its extinction under Elizabeth and James I., on the ground that it was unconstitutional, has been written. The volume, consequently, must add substantially to our knowledge of sixteenth-century law. The recorded endeavors of this court to administer equity, and to remedy some of the more obvious deficiencies of the old common law, are sure to be found especially instructive.

For 1899 Mr. G. I. Turner is preparing a volume which will contain copious extracts from the rolls of the Forest Courts. The workings of the severe and complicated Forest Law, fashioned in the interest of the mediæval hunting kings, has hitherto been insufficiently explained, and Mr. Turner's book will throw light on an important and interesting subject. The Society also contemplates a volume of extracts from the records of the exchequer of the Jews. Its most noteworthy plan, however, is to mark the year 1900 by the experiment of placing in the hands of subscribers a portion of the Year Books. The scheme at present is to issue every other year a volume of the Year Books, which will thus alternate with volumes derived from other sources. It is proposed to begin at the earliest possible period, namely, with a new edition of the Year Books of Edward II., and to continue in regular order, but without trespassing on the field that Mr. Pike, in his editions of those Year Books of Edward III. not previously printed, is making his own. The text is to be based on the best manuscripts, and is to be accompanied by an English translation, and references to the plea rolls. The work is to be intrusted to Mr. F. W. Maitland and Mr. Turner. The success of the project, it is said, will depend largely on the opinion that is entertained of it in America; and if sufficient subscribers are attracted, it is proposed to accelerate the process of publication. Certainly, the Selden Society should not lack support in its effort to set before English and American readers, in a creditable and intelligible form, "the most distinctive monuments of the common law."

ALLEN *v.* FLOOD. — The long-expected decision of the House of Lords in the case of *Allen v. Flood*, has been received in this country as well as in England with a degree of interest that it undoubtedly deserves. The case has been recently discussed in so many publications that it is perhaps unnecessary to recapitulate the facts. The point decided appears to be (so far as can be ascertained from the partial report in 4 Times L. R. 125) that an action will not lie against an individual defendant for causing the discharge of the plaintiff by the latter's employer, if the defendant has not committed, or caused to be committed, any act which would be of itself unlawful, without regard to the motive with which it might have been done. Apart from the great practical importance of the decision as a precedent in the numerous cases now arising with regard to trades unions, the reasoning of the majority in the House of Lords is of extraordinary interest as affecting the fundamental theory of the law of torts.

There is a view, more or less clearly set forth in the opinions of many judges and the writings of many legal authors, in both England and this country, that when a plaintiff has proved that the defendant has intentionally caused him to suffer pecuniary damage, he has shown a good cause of action, unless the defendant shows some ground of justification. A broad general privilege of every person to conduct his affairs as he chooses, and in particular to manage his business in whatever way seems